

# The Gazette of India

EXTRAORDINARY

PART II—Section 2

PUBLISHED BY AUTHORITY

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No. 15] NEW DELHI, SATURDAY, DECEMBER 13, 1952

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## COUNCIL OF STATES

The following Report of the Select Committee on the Bill further to amend the Cantonments Act, 1924, was presented to the Council of States on 11th December, 1952:—

### MEMBERS OF SELECT COMMITTEE

Sardar Surjit Singh Majithia (*Chairman*).

Shri Bodh Ram Dube.

Dr. Shrimati Seta Parmanand.

Shri Somnath P. Dave.

Shri T. S. Pattabiraman.

Shri Braja Kishore Prasad Sinha.

Shri M. H. S. Nihal Singh.

Shri Shyam Dhar Misra.

Shri Braj Bihari Sharma.

Shri Col. Peer Mohammad.

Shri Mohamed Valiulla.

Shri S. Chattanatha Karayalar.

Shri Ram Kirpal Singh.

Shri Bhupesh Gupta.

Shri Kishen Chand.

Shri Harishchandra Mathur.

Shri P. S. Rajagopal Naidu.

Shri Hriday Nath Kunzru.

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### REPORT OF THE SELECT COMMITTEE

WE, the undersigned members of the Select Committee to which the Bill further to amend the Cantonments Act, 1924 was referred, have considered the Bill and have now the honour to submit this our report with the Bill as amended by us annexed thereto.

*Clause 4.*—We consider that before the Central Government declares its intention to include any local area within a Cantonment or exclude any area therefrom, the Central Government should consult not only the State Government but also the Board concerned. We have accordingly amended sub-section (1) of section 4 of the Act. Other changes made in that sub-section are merely consequential.

*Clause 5.*—We are of opinion that the appointment of any Military Officer as the Executive Officer of any Cantonment should be avoided as far as practicable. Where a member of the Military Lands and Cantonments Service is not, however, readily available and such an appointment has to be made, it should be for a short period only but in no case exceeding three months. The clause has been amended accordingly.

*Clause 13.*—Where a person being called upon by the Executive Officer to furnish certain information relating to the assessment of tax fails to furnish such information or furnishes wrong information, we are of opinion that in such a case, the power to impose tax on that person should vest not in the Executive Officer but in the Board. We have accordingly substituted the words "the Board" for the words "the Executive Officer" where they occur for the second time in the proposed sub-section (2) of section 103 of the Act.

*Clause 17.*—Under the existing sub-section (8) of section 181 of the Act, the Board was given one month's time after the receipt of a valid notice to make and deliver to the person who has given the notice any order of any nature specified in section 161. It was proposed under the existing clause to extend the time-limit from one month to two months. The Committee consider that such extension of time-limit is unnecessary and have therefore omitted this clause.

Subsequent clauses have been re-numbered.

2. The Bill was published in Part II, Section 2 of the Gazette of India, Extraordinary, dated the 30th July, 1952.

3. We think that the Bill has not been so altered as to require circulation under Rule 76(4) of the Rules of Procedure and Conduct of Business in the Council of States and we recommend that it be passed as now amended.

SURJIT SINGH MAJITHIA.

BODH RAM DUBE.

SHRIMATI SEETA PARMANAND.

T. S. PATTABIRAMAN.

BRAJA KISHORE PRASAD

SINHA.

M. H. S. NIHAU SINGH.

SHYAM DHAR MISRA.

BRAJ BIHARI SHARMA.

COL. PEER MOHAMMAD.

MOHAMMED VALIULLA.

S. CHATTANATHIA KARAYALAR

RAM KIRPAL SINGH.

\*BHUPESH GUPTA.

KISHEN CHAND.

HARISHCHANDRA MATHUR.

\*P. S. RAJAGOPAL NAIDU.

NEW DELHI;

*The 10th December, 1952.*

## MINUTES OF DISSENT

## I

In the first instance I very much regret to place on record that such an important Bill as the present one, which is introduced as a result of the recommendations of an important Committee as the Central Committee on Cantonments, which took nearly 8 years to submit its report and which is referred to rightly by the House to a Select Committee, has been rushed through in the Select Committee just in 2 hours' time, in one sitting, even before one could settle himself and even without affording an opportunity to table any amendments.

The Central Committee on Cantonments was constituted for the purpose of implementing the resolutions passed at the conference of the State Ministers on 7th August, 1948, to examine the question of delimiting cantonment areas and the desirability of amending the Cantonments Act. The need for re-examining the boundaries of cantonments has been felt even as early as the year 1938 when the late Defence Department issued instructions to examine the question of excision of bazar areas from cantonment areas. Owing to war no action seems to have been taken on this question. Thereafter this question of separation of cantonment areas from civil areas was a subject matter of a resolution in the Local Self Ministers Conference and subsequently the Government of India had constituted the Central Committee on Cantonments to examine the question of delimiting cantonment areas. The Central Committee had in part I of its report suggested to divide cantonments into 3 categories. Category I includes the cantonments in which large areas redundant to the requirements of the Army could be excised and formed into separate local bodies. Category II includes those cantonments in which the civil area is not large enough to constitute a local body by itself, but which can be merged in the adjoining body and the third category covered the remaining cantonments in which the civil areas by reason of their size or situation are not covered by categories I and II above. The Committee had recommended the above suggestions taking into account the biological expansion of civilian population in cantonment areas to such a great extent, the dimensions of which would be appropriate, in some cases to separate municipal towns.

It is to be noted that this Bill which is now introduced does not contain anything of the aforesaid substantial recommendations of the Committee, but contains only certain recommendations of the Committee which are of smaller importance and which are required to the work of the Cantonments Act, taking into account the change of times. The Hon'ble Deputy Minister had assured in the meeting of the Select Committee that the Government are contemplating to bring in a measure very soon implementing the suggestions of the Committee to delimit the Cantonment Boards. I hope and feel sure that the contemplated Bill would

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\* Subject to minutes of dissent.

be introduced soon so that any doubt in the minds of nearly a million civilian population living in cantonment areas would be dispelled. I feel that the Government could have brought a comprehensive legislation thoroughly overhauling the Cantonments Act inclusive of the recommendations of the Central Committee on Cantonments, instead of introducing a piece-meal legislation as the present one. It is not late even now, if it can be decided so. In fact, it was my desire and it was also the desire of very many Hon'ble Members of the Select Committee that the entire Act should be thrown open for consideration and not necessarily the present Bill. It was felt by many Members of the Select Committee that at least section 13 (Constitution of Cantonment Boards) and section 48(a) (Committee for bazars) be thrown open for consideration. But unfortunately the Hon'ble the Deputy Minister for Defence did not think it desirable to do so. The scope of consideration was therefore restricted only to the present Bill.

The *sine qua non* of progress in cantonment administration is the democratisation of the Cantonment Board. Therefore the most important thing that I wish to suggest is to amend section 13 of the Cantonments Act so as to bring in an elected House instead of a nominated official majority, with one or two military officers to watch their interest. Section 20 also requires to be amended so as to have an elected President. Section 48(a) requires a drastic amendment to revitalise 'Bazar Committees' and to make them real democratic bodies to effectively serve their interests of the civilian population and not remain subservient to the nominated official majority, as they virtually are now. The 'Bazar Committees' should be made autonomous bodies within the frame work of the Act, vested with full powers for the administration of civil areas. The Board as such should have no interference whatsoever, except to safeguard the military interests and health of troops by alteration of sections 51 and 52 of the principal Act.

I pressed for the complete deletion of clause 5 of the Bill as the proposed proviso comes into conflict with section 286(A) of the principal Act. Section 286(A) provides for the Board to empower any of its Members or officers to exercise or perform in the absence of the executive officer in the Cantonments all or any of such powers or duties as an executive officer under this Act. When a machinery of this sort is provided for running the administration of the Board, during the temporary absence of the executive officer, any amendment of the proposed type to proviso to section 12 is redundant and unnecessary. Further the Board as constituted under the Act, consists of only official majority aggregating to 53 per cent. of the strength of the Board, as against 47 per cent. of the elected majority. There may be very many military officers among the nominated Members who may possess administrative experience and they can be thought of to carry out the duties of the Board during the temporary absence of the executive officer under section 286(A), instead of appointing a new military officer for the post, temporary though it may be. Local self administration being a highly technical subject, I suggest that it should not be left at the hands of the military officer without providing any qualifications for him, however temporary the appointment may be. Military officers are not expected to know the technicalities of the Cantonments Act and the rules framed thereunder.

It was my suggestion also to delete clause 7 of the Bill as it seems to lay down a principle which appears to me to be opposed to the fundamental rights of our Constitution. The State shall not make any law which takes away or abridges the rights conferred by this part (part III, fundamental rights) and any law made in contravention of this clause shall to the extent of the contravention be void. [Article 13(2) of Constitution of India.] I am not able to understand the reason behind the proposed amendment nor was the Chairman of the Select Committee in a position to explain the purpose of this amendment. Why should not a person be a Member in a Cantonment Board if he is also a member of any other local authority? There may be some point if restrictions are imposed to the effect that one cannot be a member of a Cantonment Board and at the same time a member of a contiguous local body, for, there may arise certain conflicts between the two Boards, in which event, the person who is member in both the bodies, will be placed in an embarrassing situation as to whose cause he has to support, whether that of the Cantonment Board or that of the contiguous local body. But to impose a general ban is rather too sweeping and too drastic a legislation, a legislation, which in my opinion, has no precedent in any of the State legislatures and which is unique by itself. Before I could pursue my arguments on this point before the Committee the Chairman with his personality and usual persuasive smile had prevailed upon me to accept the amendment and I had to agree to the course more to respect his sentiments, though I was not convinced to the legality or relevancy of the proposed amendment.

I am of opinion that just as clause 17 of the Bill is dropped, clause 18 of the Bill also should have been dropped. The proposed amendment, if made into law, would lead to greater mischief, which would make the executive officers and their staff inefficient and lazy. What is not done in six months' time by an executive officer or his staff can never be said to have been done at all. There is no purpose served in enlarging the time, which in my opinion would amount to encouraging lethargy or inefficiency amongst the executive staff in the cantonments. This very amendment was proposed to the Act, in 1935-36 and we may very well remember at the instance of the Congress Party, those amendments were then dropped. No reasons are given to my satisfaction by the Chairman, the necessity to bring once again this amendment. Hence I strongly feel that this proposed amendment should be dropped.

In conclusion I agree with the opinion of the Secretary, Congress Committee, Deolali Camp, that the "Bill is not only reactionary in character and spirit but is retrogressive and unworthy of democratic principles of local self Government of the Republic of India and deserves to be withdrawn and a fresh new legislation be promulgated by overhauling the entire Cantonments Act. (Act 2 of 1924)."

P. S. RAJAGOPAL NAIDU.

NEW DELHI;

The 9/10th December, 1952.

## II

Over four years ago, the Local Self Government Ministers of different States, all belonging to the Congress Party, met to discuss the problems connected with the existing cantonments. That conference of the Congress

Ministers suggested to the Central Government the appointment of a Central Committee on Cantonments in order that this Committee could go into the affairs of the cantonments and make necessary recommendations to the Central Government. The proposals of the Ministers were based, it seems, on the thesis that a distinct cantonment administration with its peculiar rules and regulations is still necessary. The terms of reference for the Central Committee on Cantonments were naturally of a limited nature. However, the Central Government appointed a Central Committee with Shri S. K. Patil, leader of the Bombay Congress, as its Chairman. No attempt, to my knowledge, was made to take into confidence representatives of other major parties of the opposition. I have reasons to believe that no proper steps were taken either to consult the rank and file of soldiers, their families and other civilians who happen to be vitally interested in the matter. By going through the report of the Central Committee on Cantonments, one gets the impression that this particular Committee functioned on assumptions that are by no means unchallengeable. The Committee took for granted what may be questioned by many in the country, not excluding the rank and file in the armed forces. The recommendations of such a Committee could not but suffer from very serious limitations and drawbacks.

The present amending Bill, based on the recommendations of Central Committee, carries forward the heritage and outlook that ought to be abandoned. After all, the origin of cantonments in India and their past history is not a happy one at all.

Although a cantonment is supposed to be "the temporary quarters of troops when taking part in manoeuvres etc.", the cantonments in India turned out to be permanent military encampments maintained solely in the interests of the alien rulers. They were merely a deployment of an army of occupation with its guns trained on the people. Under the circumstances, it became necessary for the British to introduce a sort of 'barrack life' for the military personnel and also drive them from the civilian population. That is how an artificial wall, designed with all the malevolence that the British could command, was created between the armed forces and the civil population. More than this, the civil population that came in contact with the military personnel, whether on account of family relations or in the course of trade and business, was also pushed into the arms of the military authorities. Cantonments thus developed into military islands dominated by the military authorities, and separated from the normal streams of the civic life—even when these were located in cities and towns.

All this is quite understandable when the armed forces are maintained and stationed in the different parts of the country for suppressing the people. But in any civilised and democratic order the armed forces need not be so segregated or put outside the bounds of the normal civic life specially in the peace time.

What is necessary today is to create conditions in which the armed forces—when they live in cities and towns—to come closer to the people and share the common civic life without any privilege or without any disabilities. All the democratic possibilities of the normal civic life should be thrown open to them, and there should be no barrier to divide them from the civilian population after the dull-sergeant methods of the British. Cantonments of the type that we have in India would appear to be an anachronism in any democratic set-up.

When the military personnel come to live in cities or towns in the vicinity thereof, their civic life should be integrated with that of the other sections of the population residing in those areas, as far as the municipal or civic administration is concerned. It is argued, I am aware, that such an arrangement would disturb the discipline of the armed forces. But this argument is untenable. Different organisations, institutions and corporate bodies do maintain their discipline within their respective sphere while throwing in their lot in a common municipal life. There is no reason why the legitimate discipline of the armed forces should be compromised if instead of being placed in cantonments, the armed forces and their 'camp followers', as they are called, were brought within the frame work of normal municipal administration. In fact, the opening of the doors of the normal civic life to the armed forces would be beneficial to them and help to remove the filth that the British have left behind.

The Amending Bill does not unfortunately at all go to the roots of the problem. The amendments proposed are not expected to alter the basic situation, and the talk of "democratisation" while retaining the basic structure of the barrack life intact is simply meaningless. Since the proposed amendments do not basically abolish the unwholesome arrangements of the Cantonments Act of 1924, I am constrained to disagree with the majority of the Hon'ble Members of the Select Committee.

BHUPESII GUPTA.

NEW DELHI,

The 10th December, 1952.

## THE CANTONMENTS (AMENDMENT) BILL, 1952

[AS AMENDED BY THE SELECT COMMITTEE]

(Words underlined indicate the amendments suggested by the Committee; asterisks indicate omissions.)

BILL NO. IV OF 1952

*A Bill further to amend the Cantonments Act, 1924.*

BE it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Cantonments (Amendment) Act, 1952.

**2. Amendment of section 2, Act II of 1924.**—In section 2 of the Cantonments Act, 1924 (hereinafter referred to as the principal Act),—

(a) after clause (ii), the following clause shall be inserted, namely:—

‘(iia) “boundary wall” means a wall which abuts on a street and which does not exceed eight feet in height;’;

(b) in clause (iv), for the brackets and words “(other than a boundary wall not exceeding eight feet in height and not abutting

on a street)" the brackets and words "(other than a boundary wall)" shall be substituted.

**3. Omission of section 2A, Act II of 1924.**—Section 2A of the principal Act shall be omitted.

**4. Amendment of section 4, Act II of 1924.**—In sub-section (1) of section 4 of the principal Act,—

(a) after the words "The Central Government may" the words "after consulting the State Government and the Board concerned" shall be inserted; and

(b) for the words "a cantonment" wherever they occur, the words "the cantonment" shall be substituted.

**5. Amendment of section 12, Act II of 1924.**—In the proviso to sub-section (1) of section 12 of the principal Act, for the words "Provided that" the following shall be substituted, namely:—

"Provided that where a member of the Military Lands and Cantonments Service is not readily available for such appointment, a Military Officer may be appointed as the Executive Officer for a period not exceeding three months;

Provided further that".

**6. Amendment of section 26, Act II of 1924.**—In sub-section (3) of section 26 of the principal Act,—

(a) the words "or the inhabitants into classes," shall be omitted; and

(b) the words "or class, as the case may be" shall be omitted.

**7. Amendment of section 28, Act II of 1924.**—In sub-section (2) of section 28 of the principal Act, after clause (dd), the following clause shall be inserted, namely:—

"(ddd) is a member of any other local authority; or".

**8. Omission of section 30, Act II of 1924.**—Section 30 of the principal Act shall be omitted.

**9. Amendment of section 31, Act II of 1924.**—In section 31 of the principal Act,—

(i) in clause (a), the words "or of the inhabitants of a cantonment into classes, or both" shall be omitted;

(ii) in clause (b), the words "or class of persons" shall be omitted.

**10. Amendment of section 34, Act II of 1924.**—To clause (b) of sub-section (1) of section 34 of the principal Act, the following *Explanation* shall be added, namely:—

"*Explanation.*—In computing the aforesaid period of three consecutive months, no account shall be taken of any period of absence with the leave of the Board."



**11. Amendment of section 43A, Act II of 1924.**—In sub-section (1) of section 43A of the principal Act, for the words "bazar areas" the words "civil areas" shall be substituted.

**12. Amendment of section 73, Act II of 1924.**—In sub-section (3) of section 73 of the principal Act, for the words "as the Executive Officer may direct," the words "as may be determined by rules made under section 280," shall be substituted.

**13. Amendment of section 103, Act II of 1924.**—For sub-section (2) of section 103 of the principal Act, the following sub-section shall be substituted, namely:—

"(2) If any person, when called upon under sub-section (1) to furnish information, neglects to furnish it within the period specified in this behalf by the Executive Officer or furnishes information which is not true to the best of his knowledge or belief, he shall be punishable with fine which may extend to one hundred rupees and shall also be liable to be assessed at such amount on account of tax as the Board may deem proper, and the assessment so made shall, subject to the provisions of this Act, be final."

**14. Amendment of section 113, Act II of 1924.**—In clause (b) of sub-section (1) of section 113 of the principal Act, for the words "one hundred rupees" the words "two hundred rupees" shall be substituted.

**15. Amendment of section 114, Act II of 1924.**—In sub-section (1) of section 114 of the principal Act,—

(a) for the words "fifty rupees" the words "one hundred rupees" shall be substituted;

(b) in the proviso, for the words "two hundred rupees" the words "five hundred rupees" shall be substituted.

**16. Amendment of section 118, Act II of 1924.**—In sub-section (4) of section 118 of the principal Act,—

(a) after the word "picketed" the words "or straying" shall be inserted; and

(b) the words "as if the animal had been found straying" shall be omitted.

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**17. Amendment of section 185, Act II of 1924.**—In sub-section (1) of section 185 of the principal Act, for the words "six months" the words "twelve months" shall be substituted.

**18. Substitution of new section for section 200, Act II of 1924.**—For section 200 of the principal Act, the following section shall be substituted, namely:—

"200. *Power to transfer by public auction, etc.*—The Board may transfer by public auction, for any period not exceeding three years at a time, the right to occupy or use any stall, shop, standing, shed or pen in a public market, or public slaughter house, or the right to expose goods for sale in a public market or the right to weigh or

measure goods sold therein, or the right to slaughter animals in any public slaughter house:

Provided that where the Board is of opinion that such transfer of the aforesaid rights by public auction is not considered desirable or expedient, it may, with the previous sanction of the General Officer Commanding-in-Chief of the Command,—

(a) either levy such stallages, rents or fees as it thinks fit; or

(b) farm the stallages, rents and fees leviable under clause

(a) for any period not exceeding one year at a time."

**19. Amendment of section 210, Act II of 1924.**—To sub-section (2) of section 210 of the principal Act, the words "or that the premises in which the business is intended to be established or maintained are unsuitable for the purpose" shall be added.

**20. Amendment of section 235, Act II of 1924.**—In section 235 of the principal Act,—

(a) after the words "Officer Commanding the station", wherever they occur, the words "or the Board" shall be inserted;

(b) after the words "before him" the words "or the Board, as the case may be" shall be inserted;

(c) for the words "he may" the words "the Officer Commanding the station or, as the case may be, the Board may" shall be substituted.

**21. Amendment of section 237, Act II of 1924.**—In section 237 of the principal Act,—

(a) after the words "Officer Commanding the station", wherever they occur, the words "or the Board" shall be inserted;

(b) for the words "as he thinks necessary" the words "as he or it thinks necessary" shall be substituted;

(c) for the words "he may" the words "he or, as the case may be, the Board may" shall be substituted.

**22. Amendment of section 259, Act II of 1924.**—In section 259 of the principal Act,—

(a) in sub-section (1),—

(i) for the words "arrears of any tax and any other money recoverable by a Board under this Act," the words "arrears of any tax, rent on land and buildings and any other money recoverable by a Board or a Military Estates Officer under this Act or the rules made thereunder" shall be substituted;

(ii) for the words "tax or money" the words "tax, rent or money" shall be substituted;

(b) in sub-section (2), after the words "by the Executive Officer" the words "or the Military Estates Officer" shall be inserted.

**23. Amendment of section 280, Act II of 1924.**—In sub-section (2) of section 280 of the principal Act, after clause (k), the following clauses shall be inserted, namely:—

“(l) the grant of leave to the members of the Board;

(m) the form of notices required to be sent under this Act and the manner of their service.”

**24. Amendment of section 286A, Act II of 1924.**—Section 286A of the principal Act shall be re-numbered as sub-section (1) of that section and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) The Board may, by a resolution passed in this behalf, delegate to the President, Vice-President, Executive Officer or Health Officer, subject to such conditions, if any, as may be specified in the resolution, all or any of its functions under sub-section (3) of section 82, sub-section (3) or clause (b) of sub-section (5) of section 119, section 131, sub-section (2) of section 132, section 143, section 161, section 163, section 164, section 168, section 169, section 189, section 190, section 191, section 194, section 195, section 196 or section 197.”

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S. N. MUKERJEE,  
*Secretary.*

